

## Zoning Amendment Criteria responses



### 1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

The Kale/Cunningham properties are located within the boundary of the Flathead County Growth Policy. The Growth Policy Map identifies the property as "Agriculture". The Flathead County Growth Policy Map is not a future land use designation map that is traditionally used with a Growth Policy but an existing land use map that generally depicts the exiting zoning categories as its base. The SAG 5 designation is a land category that is completely consistent with the "agricultural" designation. Neighbors property rights would not be impacted to the east as the Kales are part of this requested amendment. Our neighbors to the south have already rezoned to SAG 5.

The Flathead County Growth Policy identifies a number of Goals and Policies that support the proposed Map Amendment.

G.2- Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.

P.3.3- Maintain Flexibility of land use option to forest and agriculture land owners by focusing on mitigating the negative impacts of development.

G.4- Preserve and protect the right to farm and harvest as well as custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land use.

P.4.3- Identify a desirable gross density for rural residential development that retains land values, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc)

G.8- Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.

The proposed SAG 5 will allow a density of 1 residential unit per 5 acres. The land use categories in the proposed zoning district are agricultural and nearly identical to the AG- 40 with the exception of density.

### 2. Is the proposed amendment designed to:

- a. Secure Safely from fire and other dangers? The Kale/Cunningham is currently in the South Flathead Rural and plans are to build a new fire station less than two miles our land. The proposed zoning designation is a rural zoning classification with agriculture and Silviculture as permitted uses. The property is not mapped with the floodplain.

- b. Promote public health, public safety and the general welfare? The property has access to Morning Star Drive which is a 60 foot private road easement with a maintenance agreement established with the home owners association of Morning Star Drive. The Flathead County Sheriff's Office provides police protection and fire protection is currently provided by South Flathead Rural Fire District.

The proposed SAG-5 zoning classification provides the same setback and height standards as the existing **AG-40** zone and nearly the same land use regulations, minus Landfill's and Rifle Ranges in the conditional use categories. The primary difference in the zoning districts is the density with the SAG 10 allowing one dwelling per 10 acres and the SAG-5 allowing one dwelling per 5 acres. The proposed zoning designations will continue to promote the health, safety, and general welfare of the public.

- c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? The property has access to Morning Star Drive which is a 60-foot private road easement with a maintenance agreement established with the Morning Star Home Owners Association. The property currently has no structures. Under the current zoning there could be three tracts on the 30+ acres and with the proposed zone change there could be a total of six tracts or three additional. The three additional lots could produce 30 additional vehicle trips per day if developed to the maximum.

Individual sewer and water would serve new residential development. All new sewer and water service is subject to approval by the Flathead City County Health Department and Montana Department of environmental Quality.

The property is within the Kalispell District #5 ( Somers/Lakeside for K-8 grade. Flathead High School for 9-12 grades. In general, larger lots, like those proposed require less park land than densities with small yard areas.

### 3. Does the proposed amendment consider:

- a. **The reasonable provision of adequate light and air?** The proposed SAG-5 zoning designation has the same lot coverage of 20% and identical setbacks to the **AG-40** zoning. The proposed zoning with minimum lot sizes of 5 acres should easily provide for light and air on adjacent development.
- b. **The effect of motorized and non-motorized transportation systems?** The property has access to Morning Star Drive which is a 60-foot private road easement with a maintenance agreement established. As the zone change would only allow three additional residences, the impact on the road system is negligible. No public bike or pedestrian trails are located near the subject property and the road shoulders are either narrow or non-existent.
- c. **Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?** The subject property is located approximately two miles for the City Limits of Kalispell. Kalispell has no plans to annex this area or provide

services such as water, sewer, or road maintenance. The Agricultural zoning classification proposed on this property is compatible with the rural nature of the neighborhood and the neighboring Agricultural zoning.

- d. **The character of the district and its peculiar suitability for particular uses?** The character of the district is rural consisting of large lots. Many of the nearby parcels are 5, 10, and 20 acres in size. The proposed SAG 5 zoning designation is rural in nature, agricultural/silvicultural in use, and the density is consistent with neighboring parcels. The character and suitability are compatible with our surrounding neighbors.
  - e. **Conserving the value of building and encouraging the most appropriate use of land throughout the jurisdictional area?** The permitted and conditionally permitted uses of the proposed zoning designation of SAG-5 are almost identical to that of the existing AG-40 zoning classification. All twenty-two permitted uses are identical and 23 of 25 conditionally permitted uses are identical. The only difference is that the AG-40 allows conditional uses for landfills and rifle ranges while SAG-5 does not. The proposed zoning also matches many of the neighboring parcel sizes and therefore should conserve the value property and appropriate use throughout the jurisdiction. As the growth of the Flathead valley grows exponentially new five acre tracts will help others have access to rural living with space.
4. **Is the proposed amendment, as nearly possible, compatible with the zoning ordinances of nearby municipalities?** The nearest City Zoning District is the Kalispell Zoning Jurisdiction, which is approximately 2 miles to the south. The City has no planning or zoning policies for this part of the County.

One of the elements of the Flathead County Growth Policy is the public view of the valley and mountains. This re-zoning amendment would not impact the view of the valley and mountains.

With the diverse economy of Flathead County this amendment would promote affordable rural living with five acres.